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MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEE

In re: Terrorist Attacks on September 11, 2001

Plaintiffs' Executive Committee for Personal Injury and Death Claims	Plaintiffs' Executive Committee for Commercial Claims
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Elliot R. Feldman, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haefele, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

VIA ECF

March 9, 2017

The Honorable Sarah Netburn, U.S. Magistrate Judge
United States District Court for the S.D.N.Y.
Thurgood Marshall U.S. Courthouse, Room 430
40 Foley Square
New York, NY 10007

Re: *In Re: Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (GBD) (SN)

Dear Judge Netburn:

The Plaintiffs' Executive Committees are providing this letter in compliance with the Court's March 3, 2017 Order (ECF No. 3451) addressing the issue of non-immediate family members' entitlement to solatium damages for claims that have been submitted for the court's consideration. Your Honor's Order directed the PECs to respond to the following three inquiries: "(a) whether the Plaintiffs are interested in making a submission on this issue; (b) whether any such submission shall be a joint submission and if separate submissions are to be made, the necessity for such submissions; and (c) a proposed date for this submission, which is to be no later than May 5, 2017."

Plaintiffs with these non-immediate family-member claims are interested in making submissions on this issue; however, they collectively view this as a case-by-case determination. Therefore, the PECs do not believe that a joint submission would assist the Court in its assessment of the individual facts or the determination of the legal issues related to each individual claim. On the contrary, the PECs believe that submissions on behalf of the individual claimants would be most appropriate. The PECs, in conjunction with the other counsel pursuing these types of claims within this MDL, are amenable to a May 5, 2017 date for the submission of additional support on the issue of whether or not specific non-immediate family members are entitled to compensation for claims that are currently before the Court for its determination.

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Respectfully,

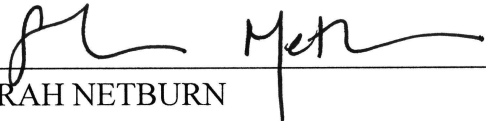
/s/ James P. Kreindler
JAMES P. KREINDLER

~~PLAINTIFFS' EXECUTIVE COMMITTEE~~

Plaintiffs may submit any additional briefing and supporting affidavits on behalf of non-immediate family member claimants by May 5, 2017. Plaintiffs are encouraged to focus their their memoranda of law on identifying neutral factors of general application that can be used objectively to determine entitlement to solatium damages in such cases, and should consider the adequacy of the framework adopted in my October 14, 2016 Report and Recommendation, ECF No. 3363. No memorandum of law shall exceed 15 pages.

SO ORDERED.

New York, New York
March 9, 2017



SARAH NETBURN
United States Magistrate Judge